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2
3 UNITED STATES DISTRICT COURT
4
5 NORTHERN DISTRICT OF CALIFORNIA

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7 ERNEST BEDNAR,

8 Plaintiff,

No. C 14-0423 PJH

9

v.

ORDER

10

11 COUNTY OF SAN MATEO,

12 Defendant.

13

14 On April 8, 2015, counsel for defendant County of San Mateo e-filed a stipulation for
15 approval of settlement agreement (Doc. 29). On April 9, 2015, the court approved the
16 settlement agreement and dismissed the case (Doc. 30). Also on April 9, 2015, counsel for
17 plaintiff Ernest Bednar advised the court that the stipulation contained confidential
18 information and had been e-filed in error, and requested that it be locked. The court
19 temporarily locked the stipulation and the order approving the stipulation.

20

As explained on the court's website, under "Electronic Case Filing - Welcome to
21 CM/ECF - Correcting E-Filing Mistakes - Remove a Sensitive E-Filed Document," the
22 procedure to be followed when a document containing confidential information has
23 inadvertently been e-filed is as follows:

24

Remove a Sensitive E-Filed Document

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If – and only if – your e-filing mistake involves the unintended disclosure of
26 confidential information, you may file a motion to remove a sensitive e-filed
27 document. The Court views removing an e-filed document as a drastic
28 measure or last resort reserved for documents whose contents are
confidential. If confidential information is not involved, simply e-file a
corrected version.

29

A "confidential" document contains:

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- Information that must not be viewed by the public as a whole, such as a document meant to be filed under seal;
- Confidential material in violation of Federal Rule of Civil Procedure 5.2 or other privacy rules;

1 • Private information, such as passwords, etc.

2 If you have inadvertently e-filed a sensitive document, follow these steps without delay:

4 1. Immediately send an email to the Docket Correction email address for your Judge with the case number, docket number and a very brief description of what went wrong. If possible, mark the message "urgent."

6 2. Next, call us at 866-638-7829 to request expedited handling. The ECF
7 HelpDesk staff can, during regular support hours, temporarily block access to
the document by ECF users for a limited period of time. The Court does not,
however, provide any after-hours support.

8 3. Next, file a "Motion to Remove Incorrectly Filed Document" as soon as
9 possible. If the motion is granted, the ECF Helpdesk will permanently remove
the document from ECF.

10 4. E-file a corrected version of the document. You can do this right away,
11 without awaiting the outcome of steps 1-3, above. View information on
 redacting documents for e-filing on this website.

12 Here, plaintiff's counsel (which had requested that the stipulation and order be
13 locked) complied with steps 1 and 2, but failed to comply with steps 3 and 4. The court has
14 contacted plaintiff's counsel several times, beginning on April 10, 2015, requesting that
15 counsel file a motion to remove the e-filed documents and resubmit the stipulation to the
16 court, in accordance with the instructions on the website. To date, counsel has failed to
17 comply.

18 Accordingly, the court ORDERS that no later than 12:00 noon on Wednesday, May
19 20, 2015, plaintiff's counsel shall file a motion to remove the incorrectly filed documents,
20 and shall e-file a corrected version of the stipulation, following the instructions under "How
21 to E-File a Corrected Version." Failure to comply with this order will result in the court's
22 unlocking the temporarily locked documents.

24 IT IS SO ORDERED.

25 | Dated: May 15, 2015



PHYLLIS J. HAMILTON
United States District Judge